

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahr	Team: Squad #13	CCRB Case #: 202004643	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 7:41 PM	Location of Incident: Fort Greene Place and Atlantic Avenue	Precinct: 78	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/05/2020 4:08 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/05/2020 4:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Miller	31869	967207	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Winston Willabus	00000	935969	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Miller	Abuse: Police Officer Michael Miller refused to provide his shield number to § 87(2)(b)	

Case Summary

On June 5, 2020, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On June 3, 2020, at approximately 7:41pm, § 87(2)(b) was at Fort Greene Street and Atlantic Avenue in Brooklyn during a police brutality protest, when he approached and greeted Police Officer Michael Miller of the 102nd Precinct, who had a "mourning band" placed around his shield such that the numbers were not visible. Lieutenant Winston Willabus of the 102nd Precinct was standing nearby. § 87(2)(b) questioned PO Miller about the mourning band obscuring his shield number. PO Miller turned his head away from § 87(2)(b) without verbally responding (**Allegation A: Abuse of Authority**, § 87(2)(g)). No arrest or summons resulted from this incident.

The Body Worn Camera ("BWC") footage request for this incident was returned negative. The nature of the incident did not require the use of BWC as per the Patrol Guide. § 87(2)(b) recorded this incident on his cell phone and he provided the video to the investigation. The footage is attached to IA # 21 (**Board Review 01**) and summarized in IA # 23 (**Board Review 02**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael Miller refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) Lt. Willabus, and PO Miller all testified that the extent of their encounter with each other was captured on the cell phone video recorded by § 87(2)(b) and all of their CCRB statements were consistent with the video (**Board Review 03; Board Review 04; Board Review 05**). The one-minute-and-two-seconds long video depicts § 87(2)(b) approaching PO Miller, who is leaning against a trash can near the street. PO Miller's name plate is visible but too far from the camera to read, and his shield number is obscured by a black mourning band. § 87(2)(b) says, "How you doing, officer?" PO Miller responds, "How you doing?" § 87(2)(b) asks PO Miller if he has a copy of the Patrol Guide in his possession. PO Miller looks away. PO Miller continues to avert his gaze from § 87(2)(b) for the remainder of the encounter. § 87(2)(b) says, "You don't have it on you, right? You know what's wrong right now, right?" PO Miller does not verbally respond. § 87(2)(b) says, "Huh? What's wrong with your uniform, tell me? It's in violation of the Patrol Guide, right? Do you know why? Because you're obscuring your badge number with the mourning band that they made to honor the dead, but you use it to escape consequence, because really, you're disrespecting the dead, right? And you say it's the people of New York City that are against the police, and Mayor DeBlasio is against the police, but really, it's you against the police, right?" The camera pans to the left, where Lt. Willabus is visible standing against a wall. § 87(2)(b) says "Right? And you, you're supervising, you're supposed to correct him because he's violating that Patrol Guide." Lt. Willabus says, "I didn't even hear what you were saying." § 87(2)(b) says, "I know, but you're supposed to be more aware than me. Why is a member of the public more aware than you?" Lt. Willabus responds, "You have more time on your hands than us, I guess." The camera pans back to PO Miller and the video concludes.

PO Miller testified that he put the mourning band on his shield the day of the incident, though when he affixed it prior to this incident, it was not covering the shield number. At the time of the incident, PO Miller did not know what § 87(2)(b) was referring to when he said PO Miller's shield number was covered, though following this incident, PO Miller inspected his shield and realized his mourning band was covering his shield number. PO Miller assumed the mourning band "must have slipped down." PO Miller thought § 87(2)(b) seemed agitated and recalled that § 87(2)(b)'s facial expression was "angry," and his voice was "aggressive" because he was "screaming." To deescalate the situation and get § 87(2)(b) to leave, PO Miller ignored him by looking away and not responding to him. PO Miller did not provide his shield number to § 87(2)(b) because § 87(2)(b) did not request that information from him (**Board Review 05**).

Officers must courteously and clearly state their rank, name, shield number, and command, or otherwise provide that information, to anyone who requests they do so. NYPD Patrol Guide, Procedure 203-09 (**Board Review 06**).

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Police Officer Miller has been a member of the NYPD for one year and this is the first complaint in which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of September 22, 2020, § 87(2)(b) [REDACTED] has not filed a Notice of Claim with the NYC Comptroller's Office regarding this incident (**Board Review 08**).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of criminal convictions in NYC (**Board Review 09**).

Squad No.: 13

Investigator: Inv. Emma Stydahr Inv. Emma Stydahr 10/08/2020
Signature Print Title & Name Date

Squad Leader: IM Laura Kastner IM Laura Kastner 10/08/2020
Signature Print Title & Name Date